

In reply refer to
L/E 611.944/4-858 CS/E

APR 22 1958

Dear Mr. Devine:

Reference is made to your letter of April 8, 1958 in which you inquire whether the clause "regardless of alienage or residency" which does not appear in Article XII, paragraph 1 of the 1953 Treaty of Friendship, Commerce and Navigation with Japan, but is included in Article XII, paragraph 1 of the 1948 Treaty of Friendship, Commerce and Navigation with Italy, was intended to limit workmen's compensation benefits so long as the Japanese alien remained in the United States.

The Department concurs with you that the phrase is immaterial and that under the provisions of the treaty with Japan, a Japanese national is entitled to workmen's compensation benefits regardless of his residence. The substantive intent and effect of the provisions in the two treaties is deemed by the Department to be the same. The clause has been left out of the more recent treaties negotiated by the United States only in the interest of avoiding redundancy.

Sincerely yours,

For the Secretary of State:

John
Stanley D. Metzger
Assistant Legal Adviser

Mr. James J. Devine,
112 State Street,
Albany 7, New York.

S/S CR
APR 21 1958 P.M.

L:L/E:JJC:zak:lr 4/21/58

Clearance
TAD - Mr. Sullivan

THIS DOCUMENT MUST BE RETURNED
TO THE MR/R GENERAL FILES

611.944/4-858

CS/AL

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